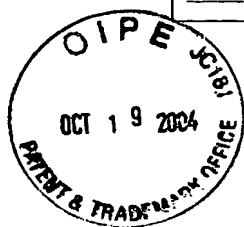


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Theodore P. Cummings 40,973
Name of Attorney/Agent Registration No.

Signature of Attorney or Agent

AP/1761/\$



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/905,540
Applicant(s) : Michael Dean McCutchan
Filed : July 13, 2001
Title : A KIT CONTAINING A SNACK FOOD AND DIP-
CONDIMENT
TC/A.U. : 1761
Examiner : Drew E. Becker
Conf. No. : 3927
Docket No. : 8169M
Customer No. : 27752

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY REMARKS

This is responsive to the Notice of Non-Compliant Amendment dated August 10, 2004, which set a thirty-day period for response. Accordingly, Applicants have amended the claims to comply with revised 37 CFR § 1.121, effective dated July 30, 2003. Please consider the following amendment and remarks.

Amendments to the Claims are reflected in the listing of claims that begin on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.